



Section 3: Primary Function, Employee Work Areas, & Kitchens

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Primary Function



106.5.45 Primary Function

“A major activity for which the facility is intended”

Examples:

- The customer service lobby of a bank
- The dining area of a cafeteria
- The meeting rooms in a conference center
- The examination rooms of a doctor's office
- Offices and other work areas in which the activities of the public accommodation or other private entity using the facility are carried out

Location of Major Activities

Primary function areas of a courthouse include:

- Courtrooms
- Jury rooms
- Offices
- Libraries



NOT a Primary Function Area

A coffee shop or restaurant is **not** a primary function area of a courthouse.



The coffee shop makes the building usable for the occupants but it is not a major activity for which the courthouse is intended.

Areas **not** containing a primary function*:

- Mechanical rooms
- Boiler rooms
- Supply storage rooms
- Employee lounges or locker rooms
- Janitorial closets
- Entrances
- Corridors
- Restrooms*

**Unless they are a major activity for which the building is intended.*

Exceptions to Definition

Restrooms are the major activity for which rest and safety stops are intended.



Restrooms are a primary function area in this case.

This is also true of a self-storage facility since storage is the major activity for the space is intended.



Example: Restaurant

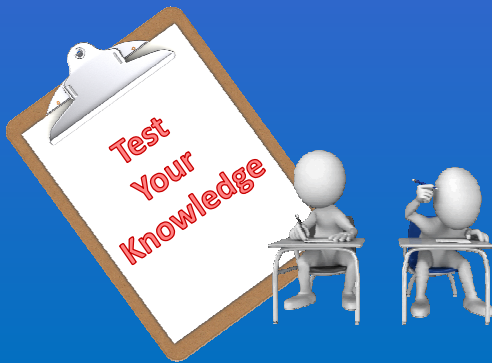
The kitchen (employee work area) and dining areas are primary function areas of a restaurant.



Example: School

Classrooms and administrative offices (work areas) are primary function areas of a school.





Is the breakfast buffet and dining area of a hotel a primary function area?



Is dining a major activity for which a hotel is intended ?

Is a teachers lounge a primary function area of a school?



Is a lounge a major activity for which a school is intended?

Is a cafeteria used only for dining a primary function area of a school?



Is a cafeteria a major activity for which a school is intended ?

What if the cafeteria contains an auditorium and the room is also used as a study hall or for classroom activities?



Student education and social development are major activities for which a school is intended.

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202.4

Alterations Affecting PFAs



202.3 Alterations

Where existing elements, spaces, or common use areas are altered, **each altered element**, space, or common use area shall comply with the applicable requirements of Chapter 2.


“Element by Element” = each element stands alone.

New work cannot be installed at less than the current requirement.

So...

Just replacing a lavatory, mirror, dispenser, or flooring would not trigger a requirement to bring an entire toilet room into compliance.

But every element that is altered in the room is required to comply.



But...

If the toilet rooms are required to be brought into compliance by [202.4 Alterations Affecting Primary Function Areas](#), the entire toilet room (and other Path of Travel Elements) must be made compliant.

because...

202.4 Alterations Affecting PFA

“An alteration that affects or could affect the usability of or access to an area containing a Primary Function shall be made so as to ensure that, to the maximum extent feasible, the [Path of Travel](#) to the altered area, including the [parking areas, restroom, telephone, and drinking fountains](#), are readily accessible to and usable by individuals with disabilities.”

106.5.41 Path of Travel

- A continuous, unobstructed way of pedestrian passage
- The way an altered area is [approached, entered, and exited](#)
- [Connects the altered area](#) with:
 - An [exterior approach](#) (including sidewalks, streets, and parking areas)
 - An [entrance](#) to the facility
 - [Other parts](#) of the facility

106.5.41 Path of Travel

The **Path of Travel Elements** that serve a Primary Function Area are the:

- Accessible Route
- Parking
- Restrooms
- Telephones
- Drinking fountains

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Tenant Funding



202.4 Alterations Affecting PFA Exception 2

202.4 Exception 2 applies to alteration projects for private buildings and facilities (as defined by 106.5.46) which are **funded in their entirety by the tenant** with private funds...



...and do not have funding or monetary allowances / reimbursements / improvement funds **of any kind** provided by the landlord.

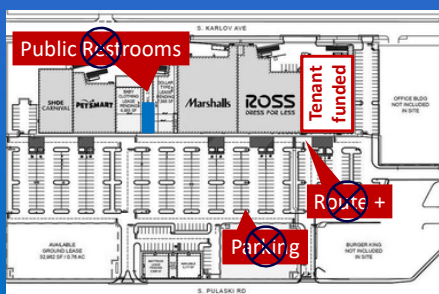
202.4 Alterations Affecting PFA

Exception 2

If a **tenant** is making alterations that would trigger the requirements of 202.4 (PFA):

The alterations by the tenant in areas that only the tenant occupies **do not trigger a path of travel obligation upon the landlord** with respect to areas of the facility under the landlord's authority (if those areas are not otherwise being altered).

Tenant Funded Project in Shopping Center

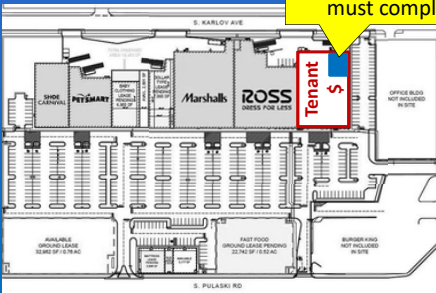


The tenant's construction project **does** remain subject to compliance with 202.4.

Therefore, any toilet rooms or other path of travel elements and spaces provided in areas that **the tenant occupies or under the tenant's authority** shall comply with all applicable provisions of the 2012 TAS.



Tenant Funded Project



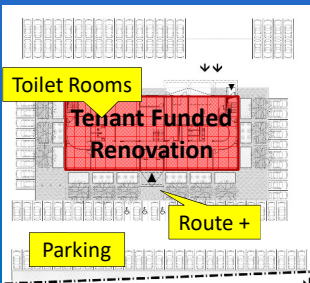
Tenant toilet rooms must comply

202.4 Alterations Affecting PFA Exception 2

Tenant funded renovation of building.

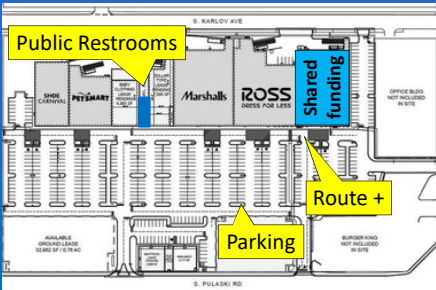
Entire facility under tenant control.

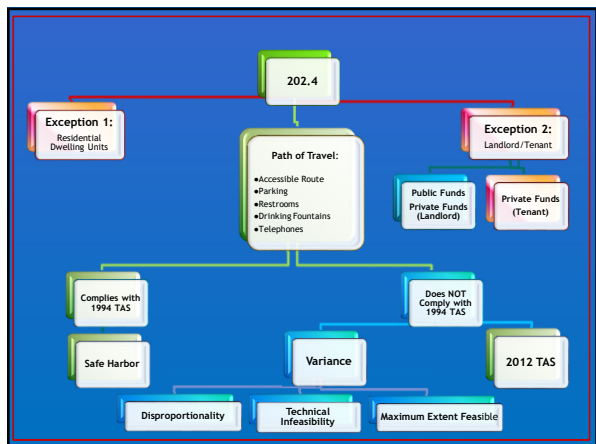
Path of Travel Elements must be made compliant.



Shared Funding

Public Restrooms







The Project Registration Form (PRF) includes the question, **"Are the private funds provided by a tenant?"**

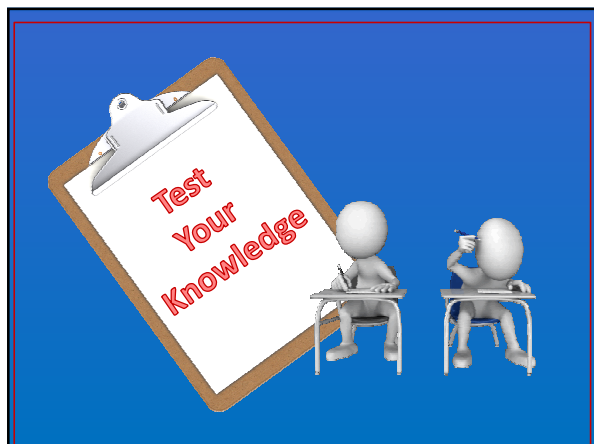
The answer provided by the individual completing the PRF is adequate documentation that the project is tenant-funded and eligible for Exception 2.

RAS are not responsible for investigating or enforcing the validity of information provided on the PRF.





Remember, the **landlord** remains ultimately responsible to the Department for compliance with the Act, Rules, and 2012 TAS for the tenant's construction activities in accordance with Chapter 469.058(a).



Exercise: 202.3 New Toilet Room

Scope of Work:

A new common use toilet room is constructed in an existing office building.

The corridor to the bathroom is not altered.



202.3 New Toilet Room


Analysis:

The toilet room is not a primary function area of an office building, so it does not trigger Path of Travel elements compliance (202.4.)



202.3 Conclusion:

- The toilet room is required to be accessible (213.2)
- The new toilet room is not required to be on an accessible route since the circulation path to the toilet room was not altered.



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**Safe
Harbor**
(not “Grandfathered”)



106.5.57 Safe Harbor



Both TDLR and DOJ have “**safe harbor**” provisions as it relates to compliance with the 2010 ADA and 2012 TAS.

Safe harbor is defined in TAS 106.5.57

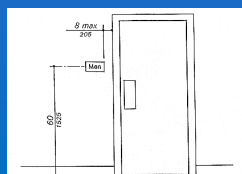
106.5.57 Safe Harbor

Elements of a path of travel at a subject building or facility that have been **previously constructed or altered in accordance with the April 1, 1994 TAS** are not required to be retrofitted to reflect the incremental changes in the 2012 TAS solely because of an alteration to a primary function area served by that path of travel.

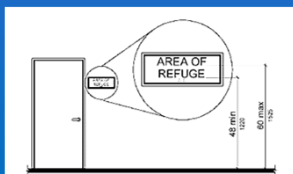
Those elements would be subject to compliance with the 2012 TAS only **when the elements of a path of travel are being altered**.

Example: Safe Harbor

The 1994 TAS required that signs be mounted no higher than 60" to the centerline of the sign. The 2012 TAS, however, has much more specific and stricter requirements.

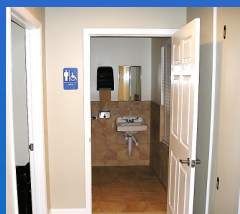


1994 TAS: Figure 43(e)



2012 TAS: Figure 703.4.1

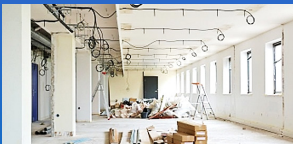
If the existing sign is in full compliance with **mounting location and height** requirements of section 4.30.6 of the 1994 TAS and is not altered, the sign would not be required to comply with the location requirements of the 2012 TAS in 703.4.2 based on safe harbor.



This does not mean that the sign can violate other 1994 TAS requirements.

Important

Safe Harbor **does not mean** that buildings or facilities are “grandfathered.”



It only means that existing elements that are in full compliance with the 1994 TAS will not be required to be brought into compliance with the 2012 TAS **until they are altered**.

Safe harbor **does not apply** to any of the following since they were not previously covered by the 1994 TAS (or 1991 ADAAG):

Residential Facilities Dwelling Units	Saunas and Steam Rooms
Amusement Rides	Swimming Pools, Wading Pools, & Spas
Recreational Boating Facilities	Shooting Facilities with Firing Positions
Exercise Machines and Equipment	Team or Player Seating
Fishing Piers and Platforms	Play Areas
Golf Facilities	Bowling Lanes (Routes)
Miniature Golf Facilities	Court Sports (Routes)

TM 2012-05



TM 2012-05 was issued on January 22, 2013 to clarify Safe Harbor.

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Employee Work Area



TAS 106.5.28 Employee Work Area

An Employee Work Area is all or any portion of a space that is...

- Used only by **employees**
- Used only **for work**

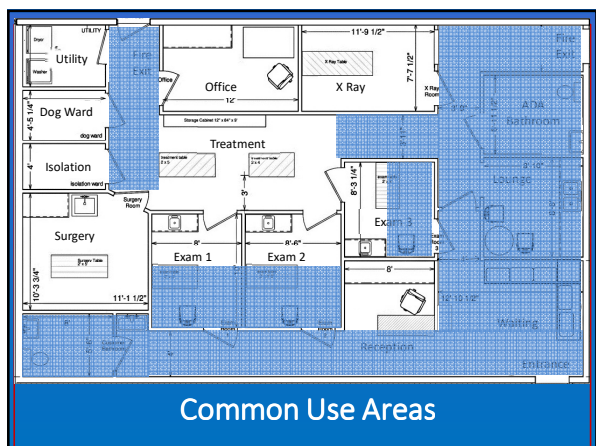


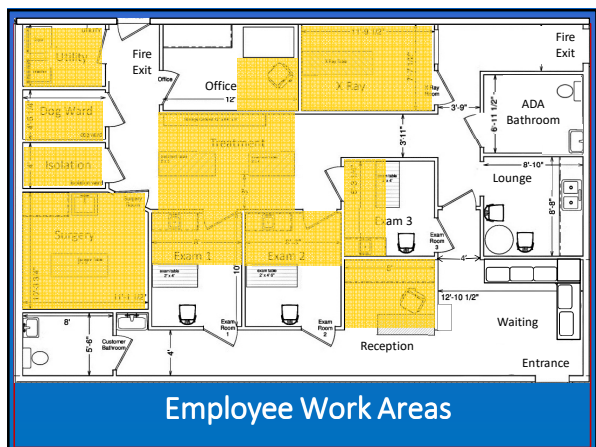
Common Use Areas

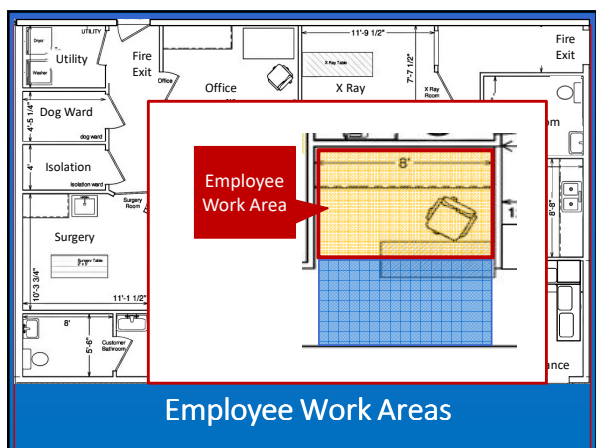
These are Common Use areas, NOT Employee Work Areas, and must be fully compliant...

- Corridors
- Toilet rooms
- Kitchenettes
- Break rooms









Within Work Areas

Spaces and elements within employee work areas are required to comply with:

- 206.2.8 Circulation Paths
- 207.1 Accessible Means of Egress
- 215.3 Fire Alarm Systems

Employee Work Area

Along with having an accessible Common Use Circulation Path, employees must be able to:

- Approach
- Enter
- Exit

...work areas



Approach, Enter, and Exit

- Door maneuvering clearance (entry side)



- The maneuvering clearance requirement in an EWA is limited to the “Enter” side unless required for egress by TAS 207.1

Doors used by both employees and visitors must comply on **both the push and pull side.**

Exam Sinks

This sink is not required by TAS to be accessible if used exclusively by employees for work related tasks.



203.9 EWA Exception

Employee Work Areas that are:

- Less than 300 square feet and
- Elevated 7" or more a.f.f. and
- The elevation is essential to the function of the space

...are not required to comply with 203.9

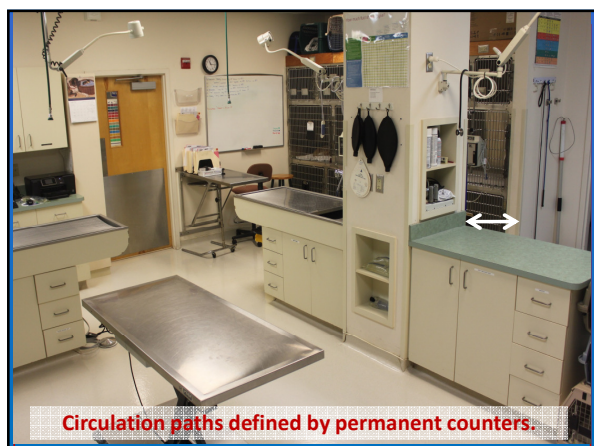


206.2.8 EWA Exception 1

Common use circulation paths located within employee work areas that are:

- less than 1000 square feet and
- defined by permanent partitions, counters, casework, furnishings...

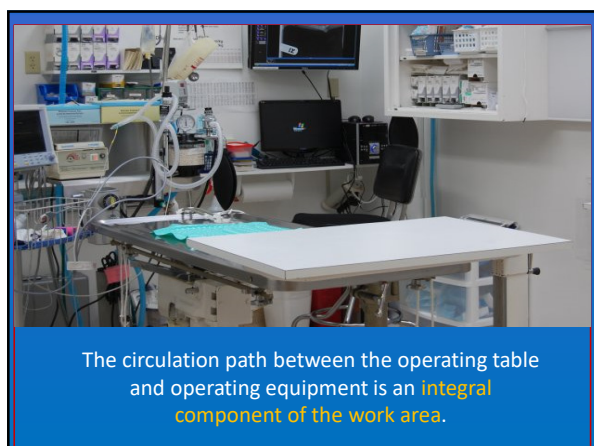
... are not required to comply with the accessible route requirements of 402.



206.2.8 EWA **Exception 2**

Common use circulation paths located within employee work areas that are an **integral component of work area equipment**

... are not required to comply with the accessible route requirements of 402.



Walking Surfaces Exception

403.5 Clearances

Within employee work areas, clearances on common use circulation paths shall be permitted to be decreased by work area equipment provided that...

...the decrease is essential to the function of the work being performed.



Ramps Exception

405.5 Clear Width

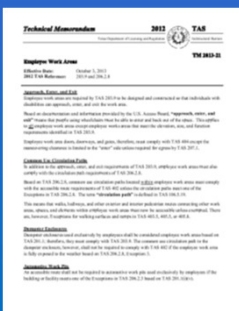
Within employee work areas, the required clear width of ramps that are a part of common use circulation paths shall be permitted to be decreased by work area equipment provided that...

...the decrease is essential to the function of the work being performed.

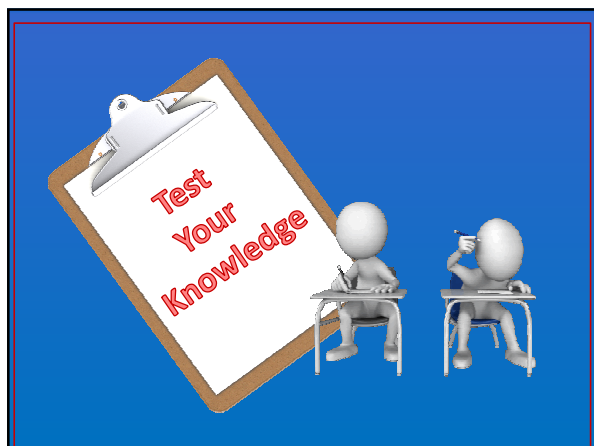
Ramps **Exception** 405.8 Handrails

On ramps that are part of a common use circulation path within an employee work area, handrails are not required where ramps are **designed to permit the installation of handrails**.

TM 2013-21




TM 2013-21 was issued on October 3, 2013 to clarify 203.9, 206.2.8, and Employee Work Areas.





Is this an employee work area?

Maybe



Maybe

If the area is accessed exclusively by employees.

Pet Wash Sinks



Are these pet wash sinks required to be accessible?

It Depends



What About These?

It Depends




Restaurant
Kitchen

Maybe



Demonstration
Kitchen

COMPLIANCE EXERCISE



Protrudes more than 12" Beyond Dining Area open to the general public.

Employee Work Area Inside

Employee Work Area

Ramp landing blocked by planter

Change in level greater than 1/4"

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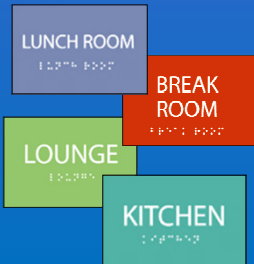


Kitchen or Not



Objective: To determine when compliance with **TAS 804 Kitchens and Kitchenettes** is required.

Compliance with TAS 804 has nothing to do with the way the room or space is referenced or labeled. It is based on **the elements provided** in the space.

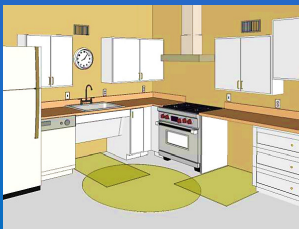


For example... each of these spaces is identified by a name, but it is the **elements in these spaces** that may trigger compliance with TAS 804



804 Kitchens & Kitchenettes

A place with **cooking facilities** used to cook food is a kitchen and must comply with 804 (Kitchen and Kitchenettes).



Definition and Types

Appliances used to cook food include a:

- Range
- Oven
- Cooktop
- Microwave Oven
- Convection Oven
- Grill



Fixed or Built-In?

We need to determine if the cooking facility is fixed or built-in because **only fixed or built-in elements** must comply with TAS 804...



"Fixed or Built-In"

An appliance is fixed or built-in if it is:

- Attached to a cabinet, shelf, or wall
- Connected to plumbing or gas
- Hardwired to electricity



Fixed Microwave Ovens



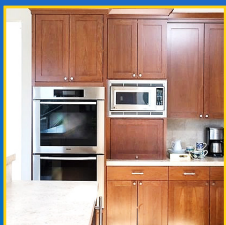
Attached to Cabinet



Attached to Shelf

Built-In Ovens

Cabinetry design and trim creates a dedicated space both ovens, or the ovens are attached to the cabinet.



Fixed / Built-In Gas Range



Cabinetry creates a dedicated space for the range and the appliance is connected to gas.

Fixed/Built-in Cooktop



Appliance is attached to counter.

Microwave NOT built-in or fixed



In Summary

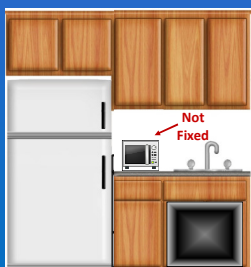
A space with at least one of the following **fixed or built-in cooking facilities** is subject to compliance with TAS 804 (Kitchens and Kitchenettes):



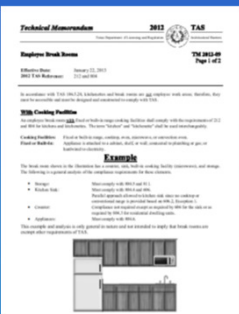
- Range
- Oven
- Cooktop
- Microwave Oven
- Convection Oven
- Grill

Spaces Without Fixed or Built-In Cooking Facilities

Spaces **without** fixed or built-in cooking facilities are **not** required to comply with TAS 804.



TM 2012-09



TM 2012-09 was issued on January 22, 2013 to address Employee Break Rooms and Kitchens.

Why does it matter if the space
is a kitchen or not?



Reason #1: **SINKS**



Sinks: Scoping & Technical

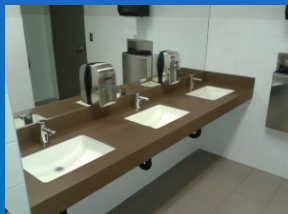
There are two sections with requirements for sinks:

- **212.3** Sinks- not in Kitchens
- **804.4** Sinks- in Kitchens & Kitchenettes



212.3 Sinks

Where sinks are provided, at least **5%**, but no fewer than **one of each type** provided in each accessible room or space shall comply with 606.



804.4 Sinks

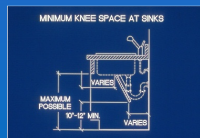
Kitchens and Kitchenettes

There are no scoping limits in 212.2 Kitchens & Kitchenettes, so **ALL kitchen sinks** must comply with TAS 606.



606.2 Clear Floor Space

A Clear Floor Space complying with 305, positioned for a forward approach, and Knee and Toe Clearances complying with 306 shall be provided.

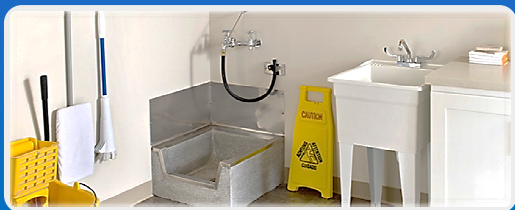


But there are exceptions...

212.3 Sinks

Exception

Mop or service sinks are not be required to comply with 212.3 (or 606).



606.2 Clear Floor Space

Exception 1

A **parallel approach** complying with 305 shall be permitted to a kitchen sink in a space where a **cook top or conventional range** is NOT provided.

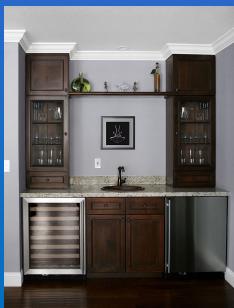


606.2 Clear Floor Space

Exception 1

A **parallel approach** complying with 305 is permitted to sinks in wet bars...

...but what is a wet bar?

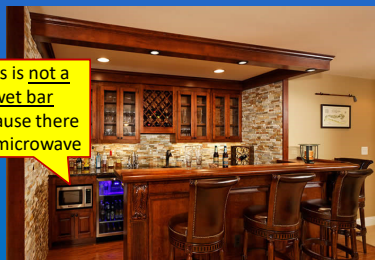


Definition: Wet Bar

"A space used only for mixing drinks that contains a bar sink with running water."

A space used for purposes other than just drink prep is not a wet bar.

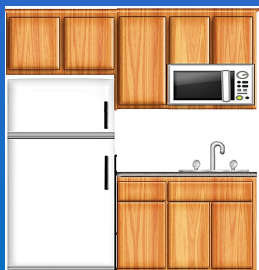
This is not a wet bar because there is a microwave



Drinks include coffee or any other type of beverage.

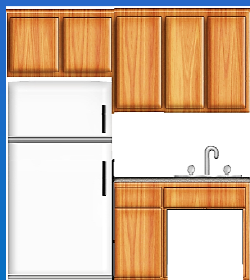
Summary: Kitchen Sinks

- A space with a **fixed or built-in cooking facility** is a **kitchen** and must comply with 804 (Kitchens).
- Kitchen sinks must comply with 606 (**forward approach**, sink height...)
- But, when there is **no cook top** or **no conventional range**, a **parallel approach** is allowed to the kitchen sink (606.2 Exception 1).



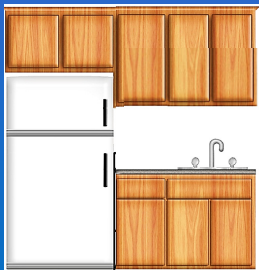
Summary: Other Sinks

- A space with **no fixed or built-in cooking facilities** is **not a kitchen** and is not subject to compliance with 804.
- **5%**, but no fewer than one of each type of sink must comply with 606 (**forward approach**, sink height, reach ranges...)




Summary: Other Sinks

- A **parallel approach** is allowed to a sink at a wet bar
- Service and mop sinks are not subject to 212.3 (or 606)



TM 2013-18



TM 2013-18 was issued on June 1, 2013 to clarify TAS 212.3 and TAS 804.4, Kitchens and Other Spaces with sinks.

Why we care if it's a kitchen...

Reason #2: Storage



TAS 804.5
TAS 225.2

Storage

804.5 Storage

Applicable to spaces subject to 804
(Kitchens and Kitchenettes)

225.2 Storage

Applicable to all other spaces with storage

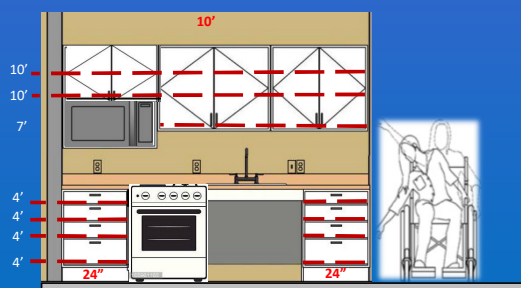
804.5 Storage In Kitchens & Kitchenettes



At least 50% of shelf
space in storage
facilities (in kitchens)
shall comply with 811
Storage*.

*811 Storage:
Clear Floor & Ground Space, Reach Ranges, Operable Parts

Calculate by Linear Feet



Example: This kitchen has 43 linear feet of
storage (includes two 2' drawer bases.)

Counter surfaces shall not be considered “shelf space” nor used to satisfy the requirements of 804.5 (Storage).



NOT A KITCHEN- Storage

Where storage is provided in accessible spaces, **at least one of each type** shall comply with 811.



NOT A KITCHEN- Storage

Where storage is provided in accessible spaces, **at least one of each type** shall comply with 811.

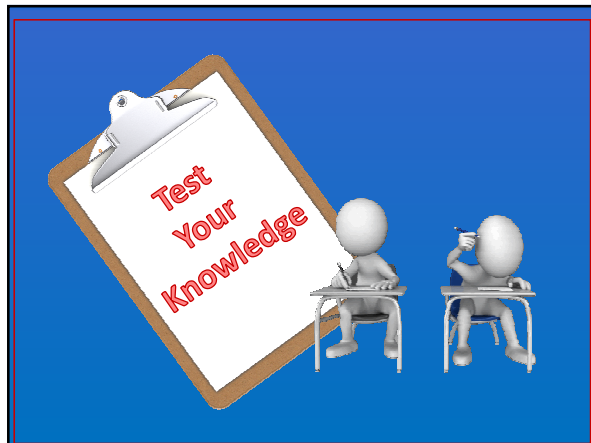
Type	Imperial (ft)	Metric (m ²)	Volume (Cubic)
A	Small units for items such as computers and documents		
B	Units for items such as golf clubs		
C	6 ft x 6 ft	4 m ²	12 m ³
D	6 ft x 12 ft	8 m ²	24 m ³
E	9 ft x 15 ft	15 m ²	45 m ³
F	9 ft x 18 ft	18 m ²	54 m ³
G	12 ft x 18 ft	24 m ²	72 m ³

[Contact us](#) for help in deciding what size unit is best suited to your needs

TM 2012-22 and 23



TM 2012-22 and 2012-23 were issued on October 3, 2013 to address storage in Kitchens and in areas that are not Kitchens.



Go To Your Sinks Handout

Sinks & Storage in Kitchens, Breakrooms, and Wet Bars				
Type of facility	Kitchen or bar	Wet	Wet, approved	Storage
Area with food not to be stored in Connection to Commercial Kitchen	Kitchen K104	Laundry and Sinks	Only Forward K00-2 or Permitted K00-2, 1 & 3	212 & K00-5 50% of shelving must comply w/K11
Area with food not to be stored in Connection to Food Service, Breakroom, Connection Dine-In (casual or casual)	Not a Kitchen	Laundry and Sinks	Only Forward K00-2	212-500 of each type must comply w/K11
Area with cooking facility not used for food service	Kitchen K104	Laundry and Sinks	Only Forward K00-2	212 & K00-5 50% of shelving must comply w/K11
Area with no cooking facility	Not a Kitchen	Laundry and Sinks	Only Forward K00-2	212 & K00-5 50% of shelving must comply w/K11
Bar with no cooking facility	Kitchen K104	Laundry and Sinks	Only Forward K00-2 or Permitted K00-2, 1 & 3	212 & K00-5 50% of shelving must comply w/K11
Wet sink and no cooking facility or dishwasher. A space used for mixing drinks	Is a wet bar, Not a Kitchen	Laundry and Sinks	Only Forward K00-2 or Permitted K00-2, 1 & 3	212 & K00-5 50% of shelving must comply w/K11
Wet sink and no cooking facility. A space used for mixing drinks	Is a wet bar, Not a Kitchen	Laundry and Sinks	Only Forward K00-2 or Permitted K00-2, 1 & 3	212 & K00-5 50% of shelving must comply w/K11
Wet sink and no cooking facility that is not used for food service	Not a Kitchen	Laundry and Sinks	Only Forward K00-2	212 & K00-5 50% of shelving must comply w/K11

606.2 Clear Floor Space. A clear floor space complying with 305, positioned for a forward approach, and knee and toe clearance complying with 306 shall be provided.

606.2 Ex 1: A parallel approach complying with 305 shall be permitted to a kitchen sink in a space where a cook top or conventional range is not provided and to wet bars.

212.2 Kitchens and Kitchenettes. Kitchens and Kitchenettes shall comply with 804.

804.5 Storage. At least 50 percent of shelf space in storage facilities shall comply with 811.

225 SOURCE


225.2 Storage. Where storage is provided in accessible spaces, at least one of each type shall comply with 811.

Your Kitchen

Only forward **50% of**

Sinks & Storage in Kitchen, Breakrooms, and Wet Bars

Type of facility	Kitchen or Bar	Sink	Sink Approach	Storage
Area with fixed or built-in: Cooktop / Conventional Range	Kitchen 804	606 Lavatories and Sinks	Only Forward 606.2 Forward 606.2 or Parallel 606.2 Ex 1	212 & 804.5 50% of shelving must comply w/811



A photograph of a modern kitchen interior. It features a stainless steel oven below a microwave, a sink with a faucet, and a tiled backsplash. A red arrow points upwards from the bottom right corner towards the oven area.

Sink - Must provide forward approach (306 Knee & Toe Clearance)

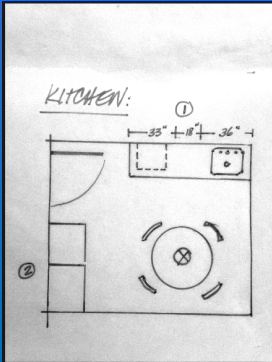
Storage - 50% must comply with 309 Reach Ranges

Operable Parts - Must comply with TAS 309

34" max

30 x 27 Clear Knee/Toe

Your Take On It



A hand-drawn floor plan of a kitchen. The plan shows a rectangular room with a door on the left wall, labeled with a circled '2'. The top wall features a window with a width dimension of 35" and a door with a width dimension of 36". A small rectangular area, possibly a sink or counter, is located below the window, with a width dimension of 18" indicated. A circular area, likely a stove, is positioned in the center of the room, with a small 'X' in the middle and four curved lines around it. The word 'KITCHEN:' is written in the top left corner. The entire plan is enclosed in a rectangular border.

①

35" 18" 36"

KITCHEN:

②

- Is there a cooking facility?
- What type of cooking facility?

Your Take On It

Only forward approach to sink (5%, at least one).

cooking What is it?

Area with cooking facility not fixed (e.g., microwave not fixed)	Not a kitchen	606 Lavatories and Sinks	Only Forward 606.2	225-one of each type must comply w/811
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This is NOT a kitchen.

One of each type of storage.

Countertop microwave, not fixed.

34" max

30x27
Knee & Toe

30" 36" 18"

59" 87"

36"

WHAT

Sinks & Storage in Kitchen, Breakrooms, and W

Type of facility	Kitchen or Bar	Sink	Page
Area with fixed or built-in: Cooktop or Conventional Range	Kitchen 804	606 Lavatories and Sinks	212 & 804.5
Area with fixed or built-in: Oven, Microwave, Convection Oven (no cooktop or range)		Forward 606.2 or Parallel 606.2 Ex 1	50% of shelving must comply w/811

Either approach.

50%

This IS a kitchen.

Fixed microwave

The diagram shows a kitchen layout with dimensions: 30", 36", 18", 54", 16", 12', 36", 60", 36". A red double-headed arrow indicates a height of 34" max. A yellow callout points to a microwave area labeled 'Fixed microwave'.

NEXT

Section 4:

Plumbing

Go to Section 4
